

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

MARC OPPERMAN, et al.,

## Plaintiffs,

V.

PATH, INC., et al.,

## Defendants.

Case No.: 13-cv-00453-JST

## CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER  
SETTING PAGE LIMITS FOR  
APPLICATION DEVELOPER  
DEFENDANTS' MOTIONS TO DISMISS**

**THIS DOCUMENT RELATES TO ALL CASES:**

*Opperman v. Path, Inc.*, No. 13-cv-00453-JST  
*Hernandez v. Path, Inc.*, No. 12-cv-1515-JST  
*Pirozzi v. Apple, Inc.*, No. 12-cv-1529-JST  
*Gutierrez v. Instagram, Inc.*, No. 12-cv-6550-JST

1 Pursuant to Civil Local Rule 7-4(b) and this Court's August 1, 2013 Order (*Opperman*  
2 Dkt. No. 361), Plaintiffs in each of the above-captioned Related Actions ("Plaintiffs") and  
3 Defendants Chillingo, Ltd. ("Chillingo"), Electronic Arts, Inc. ("EA"), Facebook, Inc.  
4 ("Facebook"), Foodspotting, Inc., Foursquare Labs, Inc., Gowalla, Inc. ("Gowalla"), Instagram,  
5 Inc., Kik Interactive, Inc., Path, Inc., Rovio Entertainment, Ltd. ("Rovio"), Twitter, Inc.  
6 ("Twitter"), Yelp! Inc., and ZeptoLab UK Limited ("ZeptoLab") (collectively, the "Application  
7 Developer Defendants"),<sup>1</sup> hereby stipulate as follows:

8 WHEREAS, on August 1, 2013, the Court directed the Parties to agree to a stipulation  
9 regarding page limitations for the briefing relating to the Application Developer Defendants'  
10 anticipated Motion(s) to Dismiss;

11 WHEREAS, on August 1, 2013, the Court set October 18, 2013 as the deadline for  
12 Defendants to submit their Motion(s) to Dismiss;

13 WHEREAS, on August 1, 2013, the Court set a hearing on the Motion(s) to Dismiss for  
14 January 22, 2014, at 9:30 a.m.;

15 WHEREAS, counsel for the Parties have met and conferred and have come to an  
16 agreement, subject to Court approval, regarding page limits for briefing on the Application  
17 Developer Defendants' Motions to Dismiss;

18 NOW THEREFORE, the Parties stipulate as follows:

- 19 • Application Developer Defendants will file a joint omnibus Motion to Dismiss  
20 with the following briefing page limitations:

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24 \_\_\_\_\_  
25  
26 <sup>1</sup> All references to the "Parties" shall collectively refer to all Application Developer Defendants  
27 and all Plaintiffs.

<u>BRIEFING</u>	<u>PAGE LIMITATION</u>
Motion	55 pages
Opposition	55 pages
Reply	25 pages

- Defendants Facebook and Gowalla will file a single, supplemental Motion to Dismiss to address issues separate and apart from the joint omnibus Motion to Dismiss. Plaintiffs and their counsel agree that: (a) this joint Motion is being made in the interests of judicial economy; and (b) no commentary or arguments will be made exclusively as to the joint nature of this Motion. The Motion will be filed in accordance with the following page limitations prescribed by Local Rule 7-4(b):

<u>BRIEFING</u>	<u>PAGE LIMITATION</u>
Motion	25 pages
Opposition	25 pages
Reply	15 pages

- Defendants EA, Chillingo, Rovio, and ZeptoLab shall be collectively entitled to the following page limitations to address issues separate and apart from the joint omnibus Motion to Dismiss in a single, supplemental brief:

<u>BRIEFING</u>	<u>PAGE LIMITATION</u>
Motion	5 pages
Opposition	5 pages
Reply	3 pages

- Defendant Twitter shall be entitled to the following page limitations to address issues separate and apart from the joint omnibus Motion to Dismiss in a single, supplemental brief:

<u>BRIEFING</u>	<u>PAGE LIMITATION</u>
Motion	5 pages
Opposition	5 pages
Reply	3 pages

6 DATED: September 26, 2013

Respectfully submitted,

**STRANGE & CARPENTER**By: /s/Brian R. Strange  
Brian R. Strange**STRANGE & CARPENTER**Brian R. Strange (CBN 103252)  
LACounsel@earthlink.net  
John T. Ceglia (CBN 287147)  
jceglia@strangeandcarpenter.com  
12100 Wilshire Boulevard, Suite 1900  
Los Angeles, CA 90025  
Telephone: (310) 207-5055  
Facsimile: (310) 826-3210*Attorneys for Plaintiffs Haig Arabian and  
Lauren Carter***GARDY & NOTIS, LLP**By: /s/ Jennifer Sarnelli  
Jennifer Sarnelli**GARDY & NOTIS, LLP**Jennifer Sarnelli (CBN 242510)  
jsarnelli@gardylaw.com  
Kira German (*pro hac vice*)  
kgerman@gardylaw.com  
501 Fifth Avenue, Suite 1408  
New York, NY 10017  
Telephone: (212) 905-0509  
Facsimile: (212) 905-0508*Counsel for Plaintiff Maria Pirozzi*

1                   **PHILLIPS, ERLEWINE & GIVEN LLP**  
2

3                   By: /s/ David M. Given  
4                   David M. Given  
5

6                   **PHILLIPS, ERLEWINE & GIVEN LLP**  
7

8                   David M. Given (CBN 142375)  
9                   dmg@phillaw.com  
10                  Nicholas A. Carlin (CBN 112532)  
11                  nac@phillaw.com  
12                  50 California Street, 35th Floor  
13                  San Francisco, CA 94111  
14                  Telephone: (415) 398-0900  
15                  Fax: (415) 398-0911  
16

17                  **EDWARDS LAW**  
18

19                  Jeff Edwards (TBN 24014406; *pro hac vice*)  
20                  jeff@edwards-law.com  
21                  The Haehnel Building  
22                  1101 East 11th Street  
23                  Austin, Texas 78702  
24                  Telephone: (512) 623-7727  
25                  Facsimile: (512) 623-7729  
26

13                  **LAW OFFICES OF CARL F. SCHWENKER**  
14

15                  Carl F. Schwenker (TBN 00788374; *pro hac vice*)  
16                  cfslaw@swbell.net  
17                  The Haehnel Building  
18                  1101 East 11th Street  
19                  Austin, Texas 78702  
20                  Telephone: (512) 480-8427  
21                  eFax: (512) 857-1294  
22

23                  *Attorneys for Opperman Plaintiffs Alan  
24                  Beuershasen, Giuli Biondi, Steve Dean, Stephanie  
25                  Dennis-Cooley, Claire Hodgins, Jason Green,  
26                  Gentry Hoffman, Rachelle King, Nirali  
27                  Mandaywala, Claire Moses, Judy Paul, Theda  
28                  Sandiford, and Greg Varner*

21                  **DHILLON & SMITH LLP**  
22

23                  By: /s/ Harmeet K. Dhillon  
24                  Harmeet K. Dhillon (#207873)  
25                  DHILLON & SMITH LLP  
26                  177 Post Street, Suite 700  
27                  San Francisco, CA 94108  
28                  Tel.: (415) 433-1700  
29                  Email: [harmeet@dhillonsmith.com](mailto:harmeet@dhillonsmith.com)

30                  Attorneys for GOWALLA INCORPORATED  
31

1 Mitchell Silberberg & Knupp LLP  
2

3 By: /s/ Jeffrey M. Movit  
4 Jeffrey M. Movit  
5 Mitchell Silberberg & Knupp LLP  
6 12 East 49th Street, 30th Floor  
7 New York, NY 10017  
8 (917) 546-7708 (direct)  
9 (917) 546-7678 (fax)  
10 [jmm@msk.com](mailto:jmm@msk.com)

11 ATTORNEYS FOR ZEPTOLAB UK LIMITED  
12

13 FENWICK & WEST LLP  
14

15 By: /s/ Tyler G. Newby  
16 Tyler G. Newby (CSB No. 205790)  
17 [tnewby@fenwick.com](mailto:tnewby@fenwick.com)  
18 FENWICK & WEST LLP  
19 555 California Street, 12th Floor  
20 San Francisco, CA 94104  
21 Telephone: 415.875.2300  
22 Facsimile: 415.281.1350  
23

24 Attorneys for Defendant PATH, INC.  
25

26 DURIE TANGRI LLP  
27

28 By: /s/ Michael H. Page  
1 MICHAEL H. PAGE (#154913)  
2 DURIE TANGRI LLP  
3 217 Leidesdorff Street  
4 San Francisco, CA 94111  
5 Telephone: 415-362-6666  
6 Facsimile: 415-236-6300  
7 [mpage@duriertangri.com](mailto:mpage@duriertangri.com)  
8

9 Attorneys for Defendants  
10 YELP INC. and FOODSPOTTING, INC.  
11

12 PERKINS COIE, LLP  
13

14 By: /s/ Timothy L. Alger  
15 Timothy L. Alger  
16 PERKINS COIE, LLP  
17 3150 Porter Dr.  
18 Palo Alto, CA 94304-1212  
19 Telephone: 650.838.4334  
20 Facsimile: 650.838.4350  
21 [TAlger@perkinscoie.com](mailto:TAlger@perkinscoie.com)  
22

23 Attorneys for Defendant Twitter, Inc.  
24

COOLEY LLP

By: /s/ Mazda K. Antia  
Mazda K. Antia  
Cooley LLP  
4401 Eastgate Mall  
San Diego, CA 92121-1909  
Phone: (858) 550-6000  
Fax: (858) 550-6420

Attorneys for Defendants FACEBOOK, INC.,  
INSTAGRAM, LLC and KIK INTERACTIVE,  
INC.

Morrison & Foerster LLP

By: /s/ David F. McDowell  
David F. McDowell (125806)  
Morrison & Foerster LLP  
707 Wilshire Boulevard  
Los Angeles, CA 90017-3543  
Telephone: 213-892-5200  
Facsimile: 213-892-5454  
Email: [DMcDowell@mfo.com](mailto:DMcDowell@mfo.com)

Attorneys for Defendant  
FOURSQUARE LABS, INC.

ZwillGen Law LLP

By: /s/ Michele Floyd  
Michele Floyd (SBN 163031)  
ZWILLGEN LAW LLP  
915 Battery Street, Second Floor, Suite 3  
San Francisco, California 94111  
Telephone: (415) 590-2340  
Facsimile: (415) 590-2335  
[Michele@zwillgen.com](mailto:Michele@zwillgen.com)

Marc J. Zwillinger (admitted *pro hac vice*)  
[marc@zwillgen.com](mailto:marc@zwillgen.com)  
Jacob A. Sommer (admitted *pro hac vice*)  
[jake@zwillgen.com](mailto:jake@zwillgen.com)  
ZWILLGEN PLLC  
1705 N St NW  
Washington, DC 20036  
Telephone: [\(202\) 296-3585](tel:(202)296-3585)  
Facsimile: [\(202\) 706-5298](tel:(202)706-5298)

Attorneys for Defendants ELECTRONIC ARTS,  
INC. AND CHILLINGO LTD.

1 HOLLAND & KNIGHT LLP  
2

3 By: /s/ Judith Nemsick  
4 Christopher G. Kelly  
5 Judith Nemsick  
6 Holland & Knight LLP  
7 31 West 52nd Street  
8 New York, New York 10019  
9 Tel.: (212) 513-3200  
10 Fax: (212) 385-9010  
[christopher.kelly@hklaw.com](mailto:christopher.kelly@hklaw.com)  
[judith.nemsick@hklaw.com](mailto:judith.nemsick@hklaw.com)

11 Shelley G. Hurwitz  
12 HOLLAND & KNIGHT LLP  
13 400 South Hope Street, 8th Floor  
14 Los Angeles, CA 90071  
15 Tel.: (213) 896-2476  
[shelley.hurwitz@hklaw.com](mailto:shelley.hurwitz@hklaw.com)

16 Attorneys for Defendant ROVIO  
17 ENTERTAINMENT LTD.  
18 s/h/a ROVIO MOBILE OY

19 PURSUANT TO STIPULATION, AND FOR GOOD CAUSE APPEARING, IT IS  
20 SO ORDERED.

21 Date: \_\_\_\_\_, 2013.

22 \_\_\_\_\_  
23 **HON. JON S. TIGAR**  
24 **UNITED STATES DISTRICT JUDGE**

## **FILER'S ATTESTATION**

Pursuant to Civil Local Rule 5-1(i), I, Brian R. Strange, hereby attest that concurrence in  
the filing of this document has been obtained from the above-listed counsel.

DATED: September 26, 2013

Respectfully submitted,

## STRANGE & CARPENTER

By: /s/Brian R. Strange  
Brian R. Strange

STRANGE & CARPENTER

Brian R. Strange (CBN 103252)

LACounsel@earthlink.net

John T. Ceglia (CBN 287147)

jceglia@strangeandcarpenter.com

12100 Wilshire Boulevard

Los Angeles, CA 90025  
Tel. 1-800-(310) 287-5855

Telephone: (310) 207-5055  
Fax: (310) 826-2212

Facsimile: (310) 826-3210

*A*  $\in$   $\mathcal{S}_n^{\text{D}1}$  is called **H**

*Attorneys for Plaintiffs Have  
Lobbyed G*

*Lauren Carter*

*Attorneys for Plaintiffs Haig Arabian and Lauren Carter*